

FILED

FEB 22 2005

COMMERCIAL DIVISION SUPPORT OFFICE
SUPREME COURT OF THE STATE OF NEW YORK
60 CENTRE STREET ROOM 148
NEW YORK, NEW YORK 10007-1474

Motion Sequence Number 002TO JUSTICE: FriedROOM 300 I.A.S. PART 60

IF YOUR HONOR WISHES TO GRANT THIS EX-PARTE ORDER FOR:

extension of time to serve per
Hague Convention

PLEASE SIGN THE ORDER.

Please return the order to room 148 for processing.

Order is approved as to form.

None of the Δ s have appeared in
this action
Recommend 120 day extension

264824

STATE OF NEW YORK
COUNTY OF NEW YORK, SS:
JUDITHAN BOGDAN, CLERK
COUNTY CLERK AND CLERK
OF THE SUPREME COURT
DO HEREBY CERTIFY ON

FEB. 27. 2007

I HAVE COMPLETED
THIS ORDER AND OF THE
FILED IN MY OFFICE ON
2/22/05

AND THAT THE SAME IS A
TRUE AND CORRECT
COPY OF THE ORIGINAL
FILED IN MY OFFICE ON
2/22/05

I HAVE RETURNED TO THE
HAND AND FILED MY
ORIGINAL.

JUDITHAN BOGDAN, CLERK
COUNTY CLERK AND CLERK OF THE
SUPREME COURT, NEW YORK COUNTY
PAUSABLE SIGNATURE USED
PURSUANT TO SEC. 883,
COUNTY LAW.

FEE PAID

004

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA
PAVKOVICH, Administrator of the Estate of
Rade Pavkovich, Deceased, and WARREN
ELMER HALFPAP,

Plaintiff(s),

-against-

Index No.: 114728/04

GRUPO MEXICO S. A. de C.V., a Mexican
Corporation, SOUTHERN PERU HOLDINGS
CORPORATION, a Delaware Corporation, SPHC
II, Incorporated, a Delaware Corporation, GRUPO
MINERO MEXICO INTERNACIONAL, S. A.
de C.V., a Mexican Corporation, MEXICANA
de COBRE, S.A. de C.V. a Mexican Corporation,
CONTROLADORA MINERA MEXICO, S.A. de
C.V., a Mexican Corporation, JP MORGAN
CHASE & COMPANY f/k/a CHASE
MANHATTAN BANK & TRUST COMPANY,
a Delaware Corporation, AMERICAS MINING
CORPORATION, a Delaware Corporation,
ERNST & YOUNG LLP, ERNST & YOUNG
CORPORATE FINANCE, LLC, GERMAN
LARREA MOTA-VELASCO, Officer and
Director of ASARCO, Inc., OSCAR GONZALEZ
ROCHA Officer and Director of ASARCO, Inc.,
CREDIT SUISSE FIRST BOSTON, INC.,
CREDIT SUISSE FIRST BOSTON, LLC and
CREDIT SUISSE FIRST BOSTON (USA),
INC.

Defendant(s)

ORDER

306-b CPLR

ORDER

The Plaintiffs having duly made application to this Court for an Order pursuant to CPLR
§306-b and §2004 for an additional extension of time to serve the unauthorized foreign defendants
and certain of their officers, directors, and/or employees thereof located in Mexico pursuant to the

Hague Convention, and said application being unopposed by the defendants served to date in the United States, and plaintiffs' said application having been duly submitted, and

Upon reading and filing the affirmation (affidavit) of Gary Klein, Esq. dated June 17, 2005, and all exhibits annexed thereto in support of plaintiffs' application for an extension of time to serve the unauthorized foreign corporations and certain officers, directors and/or employees thereof located in Mexico pursuant to the Hague Convention, and the matter having been duly submitted to the Court for a decision, and after due deliberation having been had thereon,

Now, on the unopposed application of the plaintiffs for an extension of time to serve the unauthorized foreign corporations and certain of their officers, directors, and/or employees in Mexico pursuant to the Hague Convention, it is hereby

ORDERED, that plaintiffs' time within which to serve the following defendants in Mexico pursuant to the Hague Convention is hereby extended 120 days from the date of *June 22, 2005*

Grupo Mexico S. A. de C.V.,
Grupo Minero Mexico Internacional, S.A. de C.V.,
Mexicana de Cobre, S.A. de C.V.,
Controladora Minera Mexico, S.A. de C.V.,
German Larrea Mota-Velasco, and
Oscar Gonzalez Rocha.

said time to expire on the 20th day of October, 2005.


JUDGE

☐ DO NOT POST

HON. BERNARD J. FRIED

7/12/05

11/15
1025
SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY
EX-PARTE MOTION PART
60 CENTRE STREET -- ROOM 315
NEW YORK, NY 10007-1474

212/374-4746

TO: JUSTICE

ROOM

I.A.S. PART

Whether you grant or decline the attached order to show cause, you should send (hand deliver by court personnel) this order to show cause, with supporting papers, to Room 119. Regardless of the disposition (e.g., signed or declined), orders to show cause should not be returned to the moving attorney or party.

☒ This order to show cause does not contain a request for any interim relief.

☐ This order to show cause contains a temporary restraining order and/or a request for other interim relief. (You should indicate in the margin of the order to show cause whether the request for such temporary restraining order and/or other interim relief has been granted or deleted.)

IF YOU SIGN AND THEN KEEP THE ORDER TO SHOW CAUSE, PLEASE HAVE YOUR PART CLERK ON THE DAY THE ORDER IS SIGNED INFORM ROOM 119 OF THE RETURN DATE.

ORDER IS APPROVED AS TO FORM, BUT NOT AS TO SUBSTANCE.

Reviewed by

ELAINE E. DRACH

PRINCIPAL COURT CLERK
EX-PARTE MOTION CLERK

Fm. EP-2

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: Fred **HON. BERNARD J. FRIED**
Justice

PART 60m

Phillip Nelson Burns

INDEX NO.

114728/04

MOTION DATE

MOTION SEQ. NO.

002

MOTION CAL. NO.

- v -

Grupo Mexicos A. Etal

The following papers, numbered 1 to _____ were read on this motion to/for _____

PAPERS NUMBERED

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits _____

Replying Affidavits _____

Cross-Motion: ☐ Yes ☐ No

Upon the foregoing papers, it is ordered that this motion

This motion is GRANTED as follows: time for the service of process is extended by 120 days from the date of the entry of this Order

SO ORDERED

FILED

FEB 22 2005

CLERK OF COURT

Dated: 2/16/05

HON. BERNARD J. FRIED
J.S.C.

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE

NOTION SEQUENCE # 002

At an IAS Part ____ of the Supreme Court
of the State of New York, County of New
York, at the Courthouse located at, 60
Centre Street, New York, New York on the
____ day of _____ 2005.

PRESENT: Hon. B.J. Fried,
Justice

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA
PAVKOVICH, Administrator of the Estate of
Rade Pavkovich, Deceased, and WARREN
ELMER HALFPAP,

Plaintiff(s),

-against-

Index No.: 114728/04

GRUPO MEXICO S. A. de C.V., a Mexican
Corporation, SOUTHERN PERU HOLDINGS
CORPORATION, a Delaware Corporation, SPHC
II, Incorporated, a Delaware Corporation, GRUPO
MINERO MEXICO INTERNACIONAL, S. A.
de C.V., a Mexican Corporation, MEXICANA
de COBRE, S.A. de C.V. a Mexican Corporation,
CONTROLADORA MINERA MEXICO, S.A. de
C.V., a Mexican Corporation, JP MORGAN
CHASE & COMPANY f/k/a CHASE
MANHATTAN BANK & TRUST COMPANY,
a Delaware Corporation, AMERICAS MINING
CORPORATION, a Delaware Corporation,
ERNST & YOUNG LLP, ERNST & YOUNG
CORPORATE FINANCE, LLC, GERMAN
LARREA MOTA-VELASCO, Officer and
Director of ASARCO, Inc., OSCAR GONZALEZ
ROCHA Officer and Director of ASARCO, Inc.,
CREDIT SUISSE FIRST BOSTON, INC.,
CREDIT SUISSE FIRST BOSTON, LLC and
CREDIT SUISSE FIRST BOSTON (USA),
INC.

Defendant(s)

EX PARTE ORDER

FILED
FEB 22 2005
NEW YORK
COUNTY CLERKS OFFICE

ORDER

Plaintiffs, Phillip Nelson Burns, Mirjana Pavkovich, and Warren Elmer Halfpap, by their attorneys, WEITZ & LUXENBERG, P.C., having moved for an order to Extend Time for Service of Process on Unauthorized Foreign Corporations Pursuant to the Hague Convention.

NOW, upon reading the Ex Parte Application dated February 7, 2005, the affirmation of Gary Klein, Esq., affirmed the 7th day of February, 2005 in support of said application, and there being no opposition thereto it is hereby

ORDERED, that plaintiffs' *Ex Parte* Application, pursuant to CPLR § 311(b), to Extend Time for Service of Process on Unauthorized Foreign Corporations Pursuant to the Hague Convention, is hereby GRANTED, and it is further

ORDERED, that plaintiffs shall have for an extension of time of _____ days from the date of entry of this Order in order to effect service of process pursuant to the Hague Convention on the following unauthorized foreign defendants:

Grupo Mexico S. A. de C.V.,
Grupo Minero Mexico Internacional, S.A. de C.V.,
Mexicana de Cobre, S.A. de C.V.,
Contoladora Minera Mexico, S.A. de C.V. ,
German Larrea Mota-Velasco, and
Oscar Gonzalez Rocha.

Enter

J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA PAVKOVICH, Administrator of the
Estate of Rade Pavkovich, Deceased, and WARREN ELMER HALFPAP,

Plaintiffs,

-against-

GRUPO MEXICO S.A. de C.V., a Mexican Corporation, et al.

EX PARTE ORDER

WEITZ & LUXENBERG, P.C.
Attorneys for Plaintiffs

180 Maiden Lane
New York, NY 10038
(212) 558-5500

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature.....

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐

NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

20

☐

NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. one of the judges of the within named Court,
at
on

20 , at

M.

Dated:

WEITZ & LUXENBERG, P.C.

Attorneys for

To:

180 Maiden Lane
New York, NY 10038